

IN THE UNITED STATES PATENT AND TRADEMARK OFFICERECEIVED
CENTRAL FAX CENTER

NOV 19 2010

Inventor: James P. Siepmann

Assignee: LightTime, LLC

Title: LIGHT CLOCK

Patent No.: 6,363,036

Granted: March 26, 2002

Application No. 09/474,522

Filed: December 29, 1999

Conf. No.: 2334

Docket No.: LTL001US

November 19, 2010
RECEIVEDMail Stop PETITION
COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, VA 22313-1450

NOV 23 2010

OFFICE OF PETITIONS

PETITION FOR RECONSIDERATION UNDER 37 CFR 1.378(e)

Petitioner, LightTime, LLC, filed a "Petition to Accept Unavoidably Delayed Payment of Maintenance Fee in an Expired Patent" for U.S. Pat. No. 6,363,036, on March 26, 2010. A Decision on Petition dated September 21, 2010 dismissed that Petition and indicated that the Petition failed to include an adequate showing that the delay was unavoidable. Petitioner requests reconsideration of the decision to dismiss.

The Director is hereby authorized to charge to Deposit Account No. 501767 the petition fee of \$400.00 or the fees as otherwise set forth in 37 CFR 1.17(f) for this petition. The Director is further authorized to charge any other fees that may be required to reinstate U.S. Pat. No. 6,363,036, including any maintenance fee, surcharge or petition fee deficiency to Deposit Account No. 501767 and to credit any overpayment to Deposit Account No. 501767.

Petitioner submits that the failure to pay the maintenance fee in U.S. Patent No. 6,363,036 was unavoidable because Petitioner took reasonable care to ensure that the maintenance fee would be timely paid and Petitioner filed the petition to accept maintenance fees promptly after petitioner became aware of the expiration of the patent. Petitioner's position is supported by evidence as follows.

Petitioner took reasonable care to ensure that the maintenance fee would be paid in a timely fashion by retaining a patent attorney, John W. Eldredge, Reg. No. 37,613 to track and

PAT. NO. 6,363,036

pay maintenance fees for U.S. Pat. No. 6,363,036. More generally, Petitioner retained Mr. Eldredge to handle all of Petitioner's intellectual property matters. (See Exhibit F, which is a letter dated December 5, 2003 and signed by John Eldredge acknowledging an understanding that he would track and inform Petitioner of deadlines for all their patent matters. Exhibit F also provides evidence that Mr. Eldredge was employed to pay maintenance fees, in that the letter of Exhibit F describes the payment of a European annuity.) Petitioner relied on Mr. Eldredge in this regard until about July 2009. (See Exhibit A, Declaration of Clark Caflisch, statement 5, which was also presented with the Petition filed March 26, 2010.) While acting as attorney for LightTime, LLC, Mr. Eldredge was associated with a series of law firms. Petitioner believes that Mr. Eldredge was associated with Myers, Dawes, Andras and Sherman LLP of Irvine, California when the 3.5 year maintenance fee could be paid without a surcharge and that Mr. Eldredge had his own law firm, Eldredge MacInnis of Irvine, California, at the time U.S. Pat. No. 6,363,036 expired.

Petitioner also acted with reasonable care in seeking periodic reports to track the status of U.S. Pat. No. 6,363,036.

Mr. Eldredge repeatedly acknowledged and represented to Petitioner that Mr. Eldredge was maintaining and had maintained U.S. Pat. No. 6,363,036 as evidenced by the attached copies of status reports labeled Exhibits B, C, D, and E, which Mr. Eldredge presented to Petitioner respectively on or about December 3, 2008, April 26, 2005, September 16, 2004, and April 8, 2003. Also see Exhibit A, statement 16; Exhibit G, statement 6; and Exhibit H, statement 6. Mr. Eldredge was charged with the duty and took steps to track and pay the maintenance fee before the maintenance fee was due. As shown in Exhibit E, Mr. Eldredge had calendared the 3.5 year maintenance fee for U.S. Pat. 6,363,036 as being due September 26, 2005. Further, Petitioner by retaining Mr. Eldredge, who was a registered patent attorney and had demonstrated knowledge of the due date for the maintenance fee, had taken steps to ensure that the maintenance fee would be tracked and timely paid. Exhibits D and E indicate that as late as December 2008, Mr. Eldredge continued to represent to Petitioner that U.S. Pat. No. 6,363,036 had not expired.

The Decision notes that the status report submitted with the Petition dated March 26, 2010 does not expressly identify the maintenance fee. However, newly-provided Exhibit E does show a status report indicating the maintenance fee due date. Further, the reports copied in Exhibits C, D, and E show U.S. Pat. No. 6,363,036 as issued, but Mr. Eldredge provided

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PAT. NO. 6,363,036

the reports in the context of reporting status and in discussion concerning what actions were due or necessary. With such context, the reports were reasonably considered to be representations that U.S. Pat. No. 6,363,036 was in force at the time the report was provided.

Petitioner was responsible for payment of the maintenance fee and exercised due care by hiring a registered patent attorney, John W. Eldredge, to track and pay the maintenance fee and by requiring that Mr. Eldredge provide Petitioner with periodic status reports on their patent. The failure to timely pay the maintenance fee was unavoidable to Petitioner because a reasonably prudent person would believe that an attorney registered to act before the United States Patent and Trademark Office (USPTO) would be knowledgeable regarding the patent matters. Further, Mr. Eldredge was known to the President and CEO of Petitioner and had performed his duties well for a period of time. (See Exhibit A, statement 6-9.) Petitioner had paid Mr. Eldredge and law firms at which he worked for fees to be paid to the USPTO (see Exhibit A, statement 11) and Petitioner believed that the fees paid were being used to properly maintain their patent portfolio including U.S. Pat. No. 6,363,036. Even taking reasonable care, Petitioner did not (and a reasonably prudent person would not) expect Mr. Eldredge to misrepresent or negligently present the facts concerning the status of U.S. Pat. No. 6,363,036, particularly when considering Mr. Eldredge's ethical duties as a patent attorney.

Petitioner's statement that LightTime, LLC did not receive notice from the USPTO regarding the expiry of U.S. Pat. No. 6,363,036 is made only to support Petitioner's position that Petitioner reasonably relied on the Mr. Eldredge's representation that U.S. Pat. No. 6,363,036 remained in force. Petitioner was first informed on December 15, 2009 that the maintenance fee for U.S. Pat. No. 6,363,036 was unpaid and that U.S. Pat. No. 6,363,036 had expired. (See Exhibit A, statement 22.) Since then, Petitioner acted to investigate the status of their patent portfolio and file the accompanying petition. Petitioner's action to file the petition is prompt particularly because the failure of Mr. Eldredge to perform his duties has left several of Petitioner's patent matters in disarray and since the lapse of time since the maintenance fee was due has made investigation of the relevant facts and obtaining suitable evidence more difficult.

In short, Petitioner took reasonable care to ensure that the maintenance fee would be timely paid but because of unexpected negligence or deception by a trusted attorney unavoidably failed to pay the maintenance fee due March 26, 2006 in U.S. Pat. No.

6,363,036. Petitioner therefore requests reconsideration and reversal of the decision to dismiss the petition dated March 26, 2010.

Please contact the undersigned attorney if there are any questions concerning the accompanying petition or this statement.

I hereby certify that this paper (along with any paper referred to as being attached or enclosed) is being transmitted by facsimile on the date shown below to the United States Patent and Trademark Office at (571) 273-8300.

David Millers

David Millers.

11/19/2010

Date

Respectfully submitted,

David Millers

David Millers
Reg. No. 37,396

Mar 26 10 02:28p Clark Caflisch

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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE NOV 19 2010

Inventor: James P. Siepmann

Assignee: LightTime, LLC

Title: LIGHT CLOCK

Patent No.: 6,363,036

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Application No. 09/474,522

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P.O. Box 1450
Alexandria, VA 22313-1450

NOV 23 2010

OFFICE OF PETITIONS

**EXHIBIT A
DECLARATION OF CLARK CAFLISCH
IN SUPPORT OF PETITION TO REVIVE PATENT**

I, Clark Caflisch, hereby declare that:

1. LightTime, LLC is the owner of the entire interest in U.S. Pat. No. 6,363,036 as evidenced by an assignment recorded with the United States Patent and Trademark Office (USPTO) at reel 010778 and frame 0891.

2. I am currently and have been the President and CEO of LightTime, LLC since its inception on April 1, 2000.

3. LightTime, LLC is a "manager managed" LLC, and I have sole authority on behalf of LightTime, LLC to make decisions on patent matters.

4. LightTime, LLC has always intended and sought to maintain U.S. Pat. No. 6,363,036.

5. From its inception until about July of 2009, LightTime, LLC. retained Patent Attorney, John W. Eldredge, Reg. No. 37,613 and law firms at which Mr. Eldredge worked to handle patent matters on behalf of LightTime, LLC. Mr. Eldredge's duties in this regard included preparation and prosecution of patent applications for LightTime, LLC and particularly maintenance of issued U.S. Pat. No. 6,363,036.

6. I have worked with Mr. Eldredge in multiple enterprises since about 1995, and I had believed him to be a competent patent attorney until later half of 2009.

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PAT. NO. 6,363,036

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7. I believe that Mr. Eldredge was at the law firm of Stradling, Yocca, Carlson & Rauth when U.S. Pat. No. 6,363,036 issued on March 26, 2002 and left that firm in 2003.

8. I believe that Mr. Eldredge was at the law firm of Meyers, Dawes, Andras and Sherman LLP from 2003 until late 2005 or early 2006.

9. I believe that Mr. Eldredge had his own law practice beginning in late 2005 or early 2006, and particularly when U.S. Pat. No. 6,363,036 expired on March 26, 2006.

10. When representing LightTime, LLC, Mr. Eldredge received equity in LightTime, LLC for his time spent working on behalf of LightTime, LLC and received payments for fees paid on behalf of LightTime, LLC.

11. The fees that LightTime, LLC paid for patent matters included \$24,412 paid to the law firm of Meyers, Dawes, Andras in 2005 and \$4000 paid to Mr. Eldredge personally in 2006, which overlaps with the March 26, 2005 to March 26, 2006 window for payment of the first maintenance fee of U.S. Pat. No. 6,363,036.

12. With his equity position in LightTime LLC, Mr. Eldredge also held the title of Vice President and General Counsel of LightTime LLC, but Mr. Eldredge never had the authority to abandon a patent or patent application belonging to LightTime LLC without my approval.

13. Mr. Eldredge periodically reported to me on the status of the patent matters of LightTime, LLC.

14. Mr. Eldredge reported to me regarding the patent matters of LightTime LLC at a meeting attended by Mr. Eldredge, Robert Potenza, and myself on December 3, 2008, and in that meeting, Mr. Eldredge provided a spreadsheet showing LightTime patent matters including U.S. Pat. 6,363,036.

15. The attached copy marked Exhibit B is a copy of the spread sheet provided by Mr. Eldredge and indicates U.S. Pat. 6,363,036 was issued with no indication that fees were due or that the patent had expired.

16. Mr. Eldredge never indicated to me that U.S. Pat. No. 6,363,036 had expired.

17. I never received mail or other notice from the USPTO indicating that U.S. Pat. 6,363,036 had expired.

18. LightTime, LLC had an office at 375 City Center, Suite N, Oshkosh, WI 54901 but moved that office on or about September or October of 2005 to Pacur Office Center, 355

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Mar 26 10 02:29p Clark Cafilisch

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Moser Street, Oshkosh, WI, 54901. Notifications regarding U.S. Pat. 6,363,03 that may have been sent to 375 City Center, Suite N, Oshkosh, WI 54901 were never received by me or LightTime, LLC.

19. I have been unable to contact Mr. Eldredge since or about May 1, 2009. Since about May 1, 2009, I have sent numerous emails and made numerous telephone calls to Mr. Eldredge without receiving any reply. While traveling in California, I drove to Mr. Eldredge's home address on or about July 15, 2009 and found his house unoccupied. As a result of on-line searches since May 1, 2009, I now believe that Mr. Eldredge was divorced on April 24, 2009, the property taxes on his home have not been paid in several years, and Mr. Eldredge is no longer a member of the California State Bar. These problems may have begun when Mr. Eldredge's daughter went missing while surfing in Hawaii, the apparent victim of a shark attack on April 4, 2004. In spite of the distressing events of that time, Mr. Eldredge continued to represent to me and I believed that LightTime's patent portfolio was being properly managed.

20. I do not currently know the whereabouts of Mr. Eldredge or how to contact him.

21. In July of 2009, LightTime, LLC undertook to obtain the assistance of new patent counsel, and retained David Millers, Reg. No. 37,396 on or about November 30, 2009.

22. On or about December 15, 2009, I first became aware that U.S. Pat. 6,363,036 had expired when informed of the fact by LightTime's new patent counsel, David Millers.

23. Since being informed that U.S. Pat. No. 6,363,036 was expired, I instructed Dr. Millers to revive U.S. Pat. No. 6,363,036 if possible.

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Title 18, United States Code, § 1001 and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.

Signature:



Declarant: Clark Cafilisch, President and CEO, LightTime, LLC

Date: 03-26-2010

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PAT. NO. 6,363,036

Exhibit B

As of 12/03/08									
Docket Number	Title Or Mark	Application Number	Filing Date	Refle Date	Priority Application	Priority Filing Date	Current Status	Patent Or Reg. No.	Issue Or Reg. Date
TRADEMARKS									
LTH.TMA.01	LightTime (Logo)	76/541,837	08/29/03				Dead		
LTH.TMA.02	LightClock (Logo)	76/541,936	08/29/03				Dead		
LTH.TMA.03	True Laser Zoom (Logo)	76/541,935	08/29/03				Dead		
LTH.TMA.04	Angle Amplifier (Logo)	76/541,934	08/29/03				Dead		
LTH.TMA.05	Optical Angle Amplifier (Logo)	76/541,933	08/29/03				Dead		
LTH.TMA.06	GigaPulse (Logo)	76/537,118	04/21/05				Dead		
LTH.TMA.07	Multisource Laser (Logo)	76/536,717	04/21/05				Dead		
LTH.TMA.08	Optical Pulse Multiplier (Logo)	76/536,719	04/21/05				Dead		
LTH.TMA.09	MemScan (Logo)						to be filed		
PROVISIONAL PATENT APPLICATIONS									
LTH.PAP.01	Monolithic Laser Clock	60/434,693	12/18/02				Converted		
LTH.PAP.02	Optical Timing Definition	60/434,530	12/18/02				Converted		
LTH.PAP.03	High Power Pulsed CW Laser	60/434,695	12/18/02				Converted		
LTH.PAP.04	Laser Pulse Regenerator	60/434,571	12/18/02				Converted		
LTH.PAP.05	Laser With MEMS Mirror	60/502,130	09/12/03	09/10/04			Filed		
LTH.PAP.06	Delay Line Rep Rate Tuning	60/501,619	08/22/03	09/10/04			Converted		
LTH.PAP.07	Pulse Train Intensity & Pattern Gen	60/502,134	09/12/03	09/10/04			Converted		
LTH.PAP.08	Optical Clock MPU Integration	60/502,152	09/12/03	09/10/04			Converted		
LTH.PAP.09	Optical Gen of Sub ns Pulses	60/488,234	08/28/03	09/10/04			Converted		
LTH.PAP.10	Hybrid Monolithic Lasers for Multiwavelength Mode Locking	60/612,051	09/21/04				Converted		
LTH.PAP.11	Monolithic Multisource Laser	60/612,050	09/21/04				Converted		
LTH.PAP.12	Multisource Laser for a/p	60/612,261	09/21/04				Converted		
LTH.PAP.13	Laser with MEMS Mirror Scanner Angle Amplification and Zoom	60/673,953	04/24/05				Filed		
LTH.PAP.14	Passively Mode Locked Raman Laser	60/673,953	04/24/05				Filed		
LTH.PAP.15	3D MEMS Lidar	60/673,953	03/28/08				Filed		
UTILITY PATENT APPLICATIONS									
LTH.PAU.01	LightClock (US Application)	09/474,522	12/29/99		60/114,417; 60/116,517	12/31/99	Issued	6,363,036	03/26/02
LTH.PAU.01EP	LightClock (European Application) U.S. continue	PCT/US99/01266				12/29/99	Pending		
LTH.PAU.02	High Output Power Nanosecond Pulses From CW Lasers Review	10/691,898	10/22/03		60/434,539; 60/434,693; 60/434,571	12/18/02	Pending		
LTH.PAU.03	Optical Timing Definition With Jitter Free Reference Review	10/692,175	10/22/03		60/434,539; 60/434,571; 60/434,695	12/18/02	Pending		
LTH.PAU.04	Optical Timing Definition Review	10/692,176	10/22/03		60/434,539; 60/434,571; 60/434,695	12/18/02	Pending		
LTH.PAU.05	Monolithic Optical Clock Review	10/741,508	12/18/03		60/434,693; 60/434,695; 60/673,953	12/18/02	Pending		
LTH.PAU.06	Monolithic Multisource Laser Review	10/719,476	09/21/05		60/612,051; 60/612,050; 60/612,261; 60/673,953	09/21/04	Pending		

EXHIBIT C

As of 04/26/06		Title Or Mark		Application Number		Filing Date		Refile Date		Priority Application		Priority Filing Date		Current Status		Patent Or Reg. No.		Issue Or Reg. Date	
Docket Number																			
TRADEMARKS																			
LT11.TMA.01		Light Time		76541.937		08/28/03								Allowed					
LT11.TMA.02		LightClock		76541.938		08/28/03								Allowed					
LT11.TMA.03		True Ladar Zoom		76541.939		08/28/03								Allowed					
LT11.TMA.04		Angle Amplifier		76541.934		08/28/03								Allowed					
LT11.TMA.05		Optical Angle Amplifier		76541.933		08/28/03								Allowed					
LT11.TMA.06		GigaPulse		76536718		04/21/05								Pending					
LT11.TMA.07		MultiSource Laser		76836.717		04/21/05								Pending					
LT11.TMA.08		Optical Pulse Multiplier		76836.719		04/21/05								Pending					
PROVISIONAL PATENT APPLICATIONS																			
LT11.PAP.01		Monolithic Laser Clock		60434.693		12/18/02								Converted					
LT11.PAP.02		Optical Timing Definition		60434.539		12/18/02								Converted					
LT11.PAP.03		High Power Pulsed CW Laser		60434.685		12/18/02								Converted					
LT11.PAP.04		Laser Pulse Regenerator		60434.571		12/18/02								Converted					
LT11.PAP.05		Laser With MEMS Mirror		60502.130		08/12/03								Converted					
LT11.PAP.06		Delay Line Rep Rate Tuning		60501.819		08/22/03								Converted					
LT11.PAP.07		Pulse Train Intensity & Pattern Gen		60502.134		08/12/03								Converted					
LT11.PAP.08		Optical Clock MPU Integration		60502.152		08/12/03								Converted					
LT11.PAP.09		Optical Gen of Sub ns Pulses		60488.234		08/28/03								Converted					
LT11.PAP.10		Hybrid Monolithic Lasers for Multiwavelength Mode Locking		60612.051		09/21/04								Converted					
LT11.PAP.11		Monolithic Multisource Laser		60612.050		09/21/04								Converted					
LT11.PAP.12		Multisource Laser for up		60612.281		09/21/04								Pending					
LT11.PAP.13		Laser with MEMS Mirror Scanner Angle Amplification and Zoom		(?)		09/20/05								Converted					
LT11.PAP.14		Passively Mode Locked Raman Laser		60673.853		04/21/05								Pending					
LT11.PAP.15		3D MEMS Ladar		(?)		03/28/06													
UTILITY PATENT APPLICATIONS																			
LT11.PAU.01		LightClock (US Application)		09474.522		12/29/09								Issued		6,363,036		03/26/02	
LT11.PAU.01EP		LightClock (European Application)		PC/TAS99/31298		17								Pending					
LT11.PAU.02		High Output Power Nanosecond Pulses From CW Lasers		10691.663		10/22/03								Pending					
LT11.PAU.03		Optical Timing Definition With Jitter Free Reference		10692.175		10/22/03								Pending					
LT11.PAU.04		Optical Timing Definition		10692.176		10/22/03								Pending					
LT11.PAU.05		Monolithic Optical Clock		10741.508		12/18/02								Pending					
LT11.PAU.06		Monolithic Multisource Laser		10719.478		09/21/05								Pending					

EXHIBIT D

Docket Number	Title Or Mark	Application Number	Filing Date	Priority Application	Priority Filing Date	Current Status	Patent Or Reg. Number	Issue Or Reg. Date
MARKS								
LT11.TMA.01	LightTime	76/541,937	08/29/03			Pending		
LT11.TMA.02	LightClock	76/541,936	08/29/03			Pending		
LT11.TMA.03	True Laser Zoom	76/541,935	08/29/03			Pending		
LT11.TMA.04	Angle Amplifier	76/541,934	08/29/03			Pending		
LT11.TMA.05	Optical Angle Amplifier	76/541,933	08/29/03			Pending		
PROVISIONAL APPLICATIONS								
LT11.PAP.01	Monolithic Laser Clock	60/434,693	12/18/02			Converted		
LT11.PAP.02	Optical Timing Definition	60/434,539	12/18/02			Converted		
LT11.PAP.03	High Power Pulsed CW Laser	60/434,695	12/18/02			Converted		
LT11.PAP.04	Laser Pulse Regenerator	60/434,571	12/18/02			Converted		
LT11.PAP.05	Ladar With MEMs Mirror	60/502,130	08/12/03			Refile 09/10/04		
LT11.PAP.06	Delay Line Rep Rate Tuning	60/501,819	08/22/03			Refile 09/10/04		
LT11.PAP.07	Pulse Train Intensity & Pattern Gen	60/502,134	08/12/03			Refile 09/10/04		
LT11.PAP.08	Optical Clock MPU Integration	60/502,152	09/12/03			Refile 09/10/04		
LT11.PAP.09	Optical Gen of Sub nS Pulses	60/498,234	08/26/03			Refile 09/10/04		
LT11.PAP.10	Passive Multiwavelength Modelock	not yet assigned	08/06/04			Pending		
LT11.PAP.11	Monolithic Multisource Laser	not yet assigned	08/06/04			Pending		
LT11.PAP.12	Multisource Laser for up	not yet assigned	09/10/04			Pending		
UTILITY APPLICATIONS								
LT11.PAU.01	LightClock							
LT11.PAU.01.EP	LightClock	09/474,522	12/29/99	60/114,417	12/31/98	Issued	6,383,036	03/26/02
LT11.PAU.02	High Output Power nS Pulses From CW Lasers			60/118,517	01/20/98	Pending		
LT11.PAU.02	Optical Timing Definition With Jitter	10/691,896	10/22/03	PCT/US99/31256	12/29/99	Pending		
LT11.PAU.03	Free Ref	10/692,175	10/22/03	60/434,539	12/18/02	Pending		
LT11.PAU.04	Optical Timing Definition	10/692,176	10/22/03	60/434,571	12/18/02	Pending		
LT11.PAU.05	Monolithic Optical Clock	10/741,508	12/18/03	60/434,539	12/18/02	Pending		

EXHIBIT E

Date: 04/08/03
To: Clark Caflisch - LightTime, I.L.C.
From: John Eldredge - Myers Dawes & Andras
RE: Status of our intellectual property cases for Lighttime, Inc. are as follows:

U.S. Patent No.: 6,363,036
Issue Date: March 26, 2002
Expiration Date: Dec. 29, 2019
Status: The next action in this case is payment of the 3.5 year maintenance fees, due Sept. 26, 2005

EPO App. No. 99967780.0 (corresponding to US 6,363,036)
Effective File Date: Dec. 30, 1999
Status: The next action in this case is a Request for Examination; due June 30, 2003

U.S. Provisional App.
Serial No.: 60/434,693
Entitled: Passively Mode-Locked Monolithic Laser Optical Clock
File Date: Dec. 18, 2002
Status: Application is pending; next action is conversion to utility application; due Dec. 18, 2003

U.S. Provisional App.
Serial No.: 60/434,539
Entitled: System and Method for Precise, Accurate and Stable Optical Timing Information Definition
File Date: Dec. 18, 2002
Status: This application is a contingent refile of prior filed U.S. Provisional Application Serial No. 60/306,781, filed Dec. 18, 200

U.S. Provisional App.
Serial No.: 60/434,695
Entitled: Optoelectronic Lightclock Laser Pulse Regenerator
File Date: Dec. 18, 2002
Status: Application is pending; next action is conversion to utility application; due Dec. 18, 2003

U.S. Patent App.
Serial No.: 10/418,422
Entitled: System and Method for Developing High Output Power Nanosecond Range Pulses From Continuous Wave Semiconductor Laser Systems
File Date: Dec. 18, 2002
Status: Application pending; next action is response to Notice of Missing Parts with statutory filing fees and executed Declaration;

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due May 30, 2003

U.S. Patent App.

Serial No.: Not Yet Assigned

Entitled: System and Method for Precise, Accurate and Stable Optical
Timing Information Definition

Effective File Date: Dec. 18, 2002

Status: Application is a divisional of U.S. Serial No. 10/418,422;
application is pending before USPTO; expect Notice of Missing
Parts requiring executed Declaration and statutory filing fees

U.S. Patent App.

Serial No.: Not Yet Assigned

Entitled: System and Method for Precise, Accurate and Stable Optical
Timing Information Definition Including Internally Self-Consistent
Substantially Jitter Free Timing Reference

Effective File Date: Dec. 18, 2002

Status: Application is a divisional of U.S. Serial No. 10/418,422;
application is pending before USPTO; expect Notice of Missing
Parts requiring executed Declaration and statutory filing fees

U.S. Patent App. Serial No. 10/418,422, entitled System and Method for Developing High Output Power Nanosecond Range Pulses From Continuous Wave Semiconductor Laser Systems, contains the full text specification which supports claims of the '422 application as well as the divisionals. The divisional applications therefore have the same specification text but different abstracts and claims. The '422 application claims are directed to (1) methods for determination of the Siepmann Threshold in CW semiconductor laser systems, (2) methods of operating a CW semiconductor laser system at the Siepmann Threshold, and (3) an optical timing system including a CW laser operating at the Siepmann Threshold.

U.S. Divisional Apps. are filed, but have not yet received an Official Filing Receipt. The first divisional has claims directed to (1) multiple laser system sequential firing optical timing loops, (2) multiple loop optical timing systems with a single laser, and (3) multiple loop optical timing systems with initiation and regeneration elements. The second divisional has claims directed to (1) multiple loop (and multiple laser) attenuation and recombination for multi-peak pulse trains (Intelligent frequency Generator), and (2) an adaptively varying optical pathway (Optical Compensator).

EXHIBIT F

MYERS DAWES ANDRAS & SHERMAN, LLP

INTELLECTUAL PROPERTY ATTORNEYS

19900 MAC ARTHUR BOULEVARD

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IRVINE, CALIFORNIA 92612

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JOHN W. ELDRIDGE
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ELDRIDGE@MDASLAW.COM

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NOV 19 2010

December 5, 2003

Clark Caffisch
LIGHTTIME, INC.
375 City Center, Suite N
Oshkosh, WI 54901

Re: *Filing Fees, Etc.*

Dear Clark:

Attached please find our invoice for the various filing fees and docketing services for LightTime's provisional patent applications, trademark applications and utility patent applications.

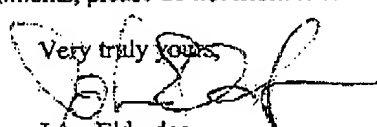
I realize that the trademark and provisional application filing fees go back to the end of August, but it seems we have been treating you like we treat our foreign clients, i.e., we don't send the bill until we receive the Official Filing Receipt and the project is deemed complete. We will try to be a bit more timely in the next round of applications.

I would note one thing, the charges on page 9 relating to LTI.PAU.01.EP are the annual maintenance fees for European Patent Office applications which were paid by an annuity service. The charges relate to the 2002 and the 2003 EPO maintenance fees. I will be looking into the EPO status to see if prosecution can't be moved along.

On a final note, our billing system is set up to generate separate invoices for 1) all of the trademark matters lumped together, 2) each individual provisional patent application and 3) each individual utility patent application. There are, therefore, ten invoice numbers (16561-16570) appearing on the statement. When you send a check, we would appreciate your noting "invoice # 16561-16570" somewhere in a memo field or in the transmittal letter or anywhere else that someone may see it.

We will, of course, advise of any further developments in any of LightTime's cases. In the meantime, if you have any questions or comments, please do not hesitate to contact me.

Very truly yours,


John Eldredge

JWE/ca

Enclosures: Invoice # 16561-16570

IN THE UNITED STATES PATENT AND TRADEMARK OFFICERECEIVED
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NOV 19 2010

Inventor: James P. Siepmann

Assignee: LightTime, LLC

Title: LIGHT CLOCK

Patent No.: 6,363,036

Granted: March 26, 2002

Application No. 09/474,522

Filed: December 29, 1999

COMMISSIONER FOR PATENTS

P.O. Box 1450

Alexandria, VA 22313-1450

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NOV 23 2010

OFFICE OF PETITIONS

EXHIBIT G
SUPPLEMENTAL DECLARATION OF CLARK CAFLISCH
IN SUPPORT OF PETITION TO REVIVE PATENT

I, Clark Caflisch, hereby declare that:

1. Attached as Exhibit B is a copy of a printed copy of a status report that I received from John Eldredge on or about December 3, 2008.
2. Attached as Exhibit C is a copy of a printed copy of a status report that I received from John Eldredge on or about April 26, 2006.
3. Attached as Exhibit D is a copy of a printed copy of a status report that I received from John Eldredge on or about September 9, 2004.
4. Attached as Exhibit E is a copy of a printed copy of a status report that I received from John Eldredge on or about April 8, 2003.
5. I received status reports in order to track the status of intellectual property of LightTime LLC and determine what actions were due including whether the payment of any fee was required to maintain U.S. Pat. No. 6,363,036.
6. Until December 15, 2009, based on the presentation of Exhibits B, C, D, and E and other written and verbal communications from John Eldredge, I believed that all necessary fees required for maintenance of U.S. Pat. No. 6,363,036 had been paid.
7. Attached as Exhibit F is a letter dated December 5, 2003 signed by John Eldredge regarding billing that includes charges for payment of an annuity for a European patent application, reference number I.T.L.PAU.01.EP, which claimed priority to the U.S. Pat. App.

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FAX: (530) 871-1511

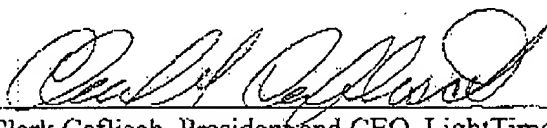
- 1 -

PAT. NO. 6,363,036

that issued as U.S. Patent 6,363,036. In the letter, John Eldredge acknowledge his responsibility to advise LightTime, LLC of developments in all of cases he is handling for LightTime, LLC.

8. After about January 6, 2006, John Eldredge was at his own firm, Eldredge, MacInnis in Irvine, California, and LightTime, LLC retained Mr. Eldredge to continue to act as patent attorney for LightTime, LLC and provide the services and duties he provided to LightTime, LLC while at Myers, Dawes, Andras & Sherman, LLP and before. In particular, Mr. Eldredge was retained to continue to track and pay the maintenance fees for U.S. Pat. No. 6,363,036.

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Title 18, United States Code, § 1001 and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.

Signature: 
Declarant: Clark Caflisch, President and CEO, LightTime, LLC

Date: 11-18-2010

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Inventor: James P. Siepmann
Assignee: LightTime, LLC
Title: LIGHT CLOCK
Patent No.: 6,363,036 Granted: March 26, 2002
Application No. 09/474,522 Filed: December 29, 1999
Conf. No. 2334 Docket No. LTL001US

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EXHIBIT H
DECLARATION OF ROBERT POTENZA
IN SUPPORT OF PETITION TO REVIVE PATENT

I, Robert Potenza, hereby declare that:

1. I participated with Clark Caflisch and John W. Eldredge in periodic telephone and in person meetings during which Mr. Eldredge presented reports on the status of the intellectual property of LightTime, LLC and discussed what actions were due or would need to be taken.
2. Mr. Eldredge included U.S. Pat. No. 6,363,036 in each status report since the patent issued and in each meeting represented that U.S. Pat. No. 6,363,036 remained in force.
3. Mr. Eldredge never indicated to me that U.S. Pat. No. 6,363,036 had expired.
4. The attached copy marked Exhibit B is a copy of the spread sheet provided by Mr. Eldredge at a meeting that occurred on or about December 3, 2008.
5. At the meeting on or about December 3, 2008, Mr. Eldredge represented to me and Mr. Caflisch that there was no problem with U.S. Pat. No. 6,363,036 and particularly that U.S. Pat. No. 6,363,036 was still in force.
6. On or about December 15, 2009, I first became aware that U.S. Pat. 6,363,036 had expired.

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that

- 1 -

PAT. NO. 6,363,036

PATENT LAW OFFICES OF
DAVID MILLERS
1221 MAIN STREET ROAD
PLACERVILLE, CA 95667
TEL (530) 621-4543
FAX (530) 621-4547

these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Title 18, United States Code, § 1001 and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.

Signature: _____

Robert Potenza

Date: _____

11/19/2010

Declarant: Robert Potenza

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FAX: (530) 221-4341

- 2 -

PAT. NO. 6,363,036